United Nations S/PV.4107

Security Council
Fifty-fifth Year

Provisional

4107th Meeting
Thursday, 2 March 2000, 5 p.m.
New York

President:	Mr. Chowdhury	(Bangladesh)
Members:	Argentina	Mr. Cappagli
	Canada	Mr. Fowler
	China	Mr. Chen Xu
	France	Mr. Doutriaux
	Jamaica	Miss Durrant
	Malaysia	Mr. Hasmy
	Mali	Mr. Issouf Maiga
	Namibia	Mr. Andjaba
	Netherlands	Mr. Kooijmans
	Russian Federation	Mr. Tarabrin
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Rosenstock

Agenda

Election of a member of the International Court of Justice (S/2000/105, S/2000/106 and Add.1 and 2 and S/2000/107)

00-32456 (E)

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The meeting was called to order at 5.40 p.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of March, I should like to take this opportunity to pay tribute, on behalf of the Council, to Mr. Arnoldo Manuel Listre, Permanent Representative of Argentina to the United Nations, for his service as President of the Security Council for the month of February. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Listre for the great diplomatic skill with which he conducted the Council's business last month.

If Council members will allow me, at this point I would like to convey the following. Yesterday, Her Excellency Prime Minister Sheikh Hasina of Bangladesh called my delegation to convey her congratulations on our assumption of the presidency. She asked me personally to convey to all the Council members her greetings, as well as her full support and her Government's full support in the discharge of our responsibilities. She has encouraged us to continue our work to promote international peace and security and a culture of peace worldwide.

The Foreign Minister of Bangladesh has also conveyed his greetings to all the Council members.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice (S/2000/105, S/2000/106 and Add. 1 and 2 and S/2000/107)

The President: I should like to recall that at its 4075th meeting, on 30 November 1999, the Security Council adopted resolution 1278 (1999), by which it decided that the election to fill the vacancy in the International Court of Justice should take place on 2 March 2000 at a meeting of the Security Council and at a meeting of the General Assembly at its fifty-fourth session.

This afternoon the Security Council and the General Assembly will proceed independently with the election, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling the vacancy which occurred on 29 February 2000 owing to the resignation of Judge Stephen Schwebel (United States of America).

The list of nominations of the candidates by national groups of States parties to the International Court of Justice Statute is contained in document S/2000/106 and addenda 1 and 2.

Document S/2000/107 contains the curriculum vitae of the candidate nominated by national groups of States.

The Security Council also has before it a memorandum by the Secretary-General, contained in document S/2000/105, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected".

The required majority in the Security Council is eight votes.

Article 15 of the Statute of the International Court of Justice provides that

> "A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term."

Accordingly, the member elected to fill the remainder of the term left vacant by the resignation of Judge Schwebel will serve until 5 February 2006.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the name of the candidate. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" in the box next to the name of the candidate for whom they wish to vote. Votes may be cast only for a candidate whose name appears on the ballot paper.

I should like to remind members of paragraph 15 of the Secretary-General's memorandum, contained in document S/2000/105, which specifies that

"Each elector may vote for only one candidate."

Any ballot paper containing votes for more than one name will be considered invalid. When a candidate has obtained the required majority of votes, I shall communicate the result to the President of the General Assembly, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

* * *

The President: The names of the delegations of Mali and Canada have been drawn. I request each of those delegations to appoint one member to serve as teller.

At the invitation of the President, Ms. Burgess (Canada) and Mr. Mahamane Maiga (Mali) acted as tellers.

The President: May I take it that the Council is now ready to proceed with the election of a member of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

* * *

The President: I take it that all members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Thomas Buergenthal	15

Mr. Thomas Buergenthal has accordingly received the required majority of votes in the Security Council.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The President: I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that, at the 90th plenary meeting of the General Assembly, held today for the purpose of electing a member of the International Court of Justice, the following candidate obtained an absolute majority of votes in the General Assembly: Mr. Thomas Buergenthal."

As both the Security Council and the General Assembly have agreed on the same candidate, the

distinguished jurist Mr. Thomas Buergenthal has been elected as a member of the International Court of Justice for the remainder of the term of office of Judge Schwebel, that is, until 5 February 2006.

I should like to congratulate him and wish him every success in the high office to which he has been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 6.10 p.m.